

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6643

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KERMIT W. BUNN,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
District Judge. (CR-99-9; CA-02-135-5)

Submitted: June 16, 2004

Decided: June 28, 2004

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Susan Graham James, Montgomery, Alabama, for Appellant. Robert H.
McWilliams, Jr., Assistant United States Attorney, Michael D.
Stein, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West
Virginia; David Earl Godwin, Assistant United States Attorney,
Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kermit Wayne Bunn moves for a certificate of appealability to challenge the district court's denial of his petition for a certificate of appealability from its order denying his 28 U.S.C. § 2255 (2000) motion. A certificate of appealability will not issue absent a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A habeas appellant meets this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 326 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude Bunn has not made the requisite showing. Accordingly, we deny Bunn's motion and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED